

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. 03-40220 MJJ

Plaintiff,

**ORDER RE: DEFENDANT'S MOTION
TO DISMISS UNDER RFRA**

v.

MOSES ADEYEMO,

Defendant.

On February 28, 2008, the Court held oral argument on Defendant's motion seeking dismissal of the indictment under the Religious Freedom Restoration Act ("RFRA"). For the reasons stated by the Court during the hearing, because the evidentiary record has not been fully developed on several salient points, the Court has determined that supplemental declarations would assist the Court's resolution of the motion. Accordingly, the Court **ORDERS** as follows:

1) Defendant may file, **no later than Tuesday, March 11, 2008**, a supplemental declaration addressed to his burden of demonstrating that a prohibition upon the use and possession of **multiple** leopard skins, beyond the first leopard skin, substantially burdens his own (as opposed to others') religious practices.

2) The Government may file, **no later than Tuesday, March 11, 2008**, a supplemental declaration addressed to demonstrating that the current permitting scheme under CITES/ESA is the least restrictive means to protect the Government's asserted interests in conserving wildlife and honoring treaty obligations, and specifically addressing whether these interests could be adequately

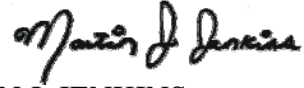
1 protected if a religious exception were carved out.

2 3) After supplemental declarations, if any, are exchanged by the parties, the parties shall
3 meet and confer and attempt to come to agreement as to whether an evidentiary hearing is necessary
4 to resolve any issues relevant to the resolution of Defendants' motion. The parties shall advise the
5 Court by joint letter of the results of this meet-and-confer **no later than Thursday, March 13,**
6 **2008.**

7 4) The parties are ordered to appear for a **2:30 pm** status conference during the Court's
8 Oakland criminal calendar **on Friday, March 14, 2008** to discuss these issues.

9
10 **IT IS SO ORDERED.**

11
12 Dated: March 5, 2008



MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE